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| 10/074,184      | 02/12/2002  | Arnoldo Cabello      | 1260                | 4350             |

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DAVID J. ARCHER  
7037 POMERY ROAD  
ROCKTON, IL 61072

EXAMINER

SERROU, ABDELALI

| ART UNIT | PAPER NUMBER |
|----------|--------------|
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2654

DATE MAILED: 08/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/074,184

Applicant(s)

CABELLO ET AL.

Examiner

Abdelali Serrou

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on 12 February 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

## DETAILED ACTION

### *Claim Rejections - 35 USC § 112*

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 1 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 recites the limitation "the arrangement" (page 2, line 1 and 10). There is insufficient antecedent basis for this limitation in the claim. The claim does not point out to the term, mentioned above, or explain the use of it making the claim vague and indefinite.

Appropriate correction is required.

The examiner has interpreted that the term "the arrangement" in claim 1 refers to the process of switching between modes.

### *Claim Rejections - 35 USC § 103*

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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4. Claims 1-8 and 10-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Glenn (U.S 6,434,518 filed in Sep, 23 1999 and issued on Aug, 13 2002) in view of Van Alstine (U.S 6,175,819 issued on Jan. 16, 2001).

5. As per claim 1, Glenn teaches a translation apparatus (translator, col.1, line 43) for translating words and phrases from a first language into a second language and from the second language into a first language (col. 2, lines 14-15) comprising: a microphone for transposing spoken words and phrases into series of electronic signals (col. 3, line 51 and Fig. 1, element 14); a receiver electrically connected to said microphone (User Play/Rec Chip, Fig. 4, element 75) for receiving said series of electronic signals from said microphone ;  
an electronic device electrically connected to said receiver for analyzing said series of electronic signals and for generating a first and a second series of impulses (as shown in Glenn's Fig. 3, wherein the "Record Play IC" receives an electrical signal from the microphone (Fig. 3, element 14), analyzes it, and generates a digital signal, and outputs it to the speaker (Fig. 3, element 13));  
a visual display to display a page number (Fig. 3, element 42).

However, Glenn does not teach a visual display, for first and second language, electrically connected to electronic device for receiving first and second series of impulses from electronic device;  
a switching system for selectively switching visual display between a first, second, third and a fourth mode of operation.

Van Alstine, however teaches a visual display, for first and second language, electrically connected to said electronic device for receiving said first and second series of impulses from said electronic device (Fig. 3, element 21);  
a switching system for selectively switching said visual display between a first, second, third and a fourth mode of operation (Fig. 3, element 21, Translation mode: ON: Japanese to English).

Glenn and Van Alstine are analogous art because they are from the same art of translation and display.

Therefore it would have been obvious to a person of ordinary skill in the art at the time of the invention to have added Van Alstine's switching system to the translation apparatus of Glenn in order to obtain a translation system that translates between different languages in any order and visually display the translation mode.

6. As per claim 2, Glen teaches a housing for housing said microphone, receiver, and other electronic devices (Fig. 1, element 10).

7. As per claim 3, Glenn teaches a speaker electrically connected to said electronic device for generating an oral reproduction of the words and phrases in said first and second languages (Fig. 1, element 13).

8. As per claim 4, Glenn teaches an amplifier (Fig. 3, Record Play IC), and a speaker (Fig. 3, element 19). Therefore, a volume control is inherently disclosed in the system. Otherwise, the user would not be able to increase or decrease the volume of sound coming from the speaker.

9. As per claim 5, Glenn teaches an electrical socket electrically connected to said speaker (Fig. 3, element 19, Earphone Socket); a headset electrically connected to said electrical socket for enabling a user to listen to said oral reproduction (Fig. 3, element 19, Earphone), and a plug cooperating with electrical socket (Fig. 3, earphone plug).

10. As per claim 6, Glenn teaches a source of electrical power (battery, col. 3, line 35); an on/off switch for selectively powering said translation apparatus (Fig. 1, element 11).

11. As per claims 7 and 8, Glen teaches removing and replacing different language pairs (col. 1, lines 57-58). Therefore, a card slot, a translation card for a particular language are inherently disclosed in the system, and the insertion of the translation card into the card slot is inherently suggested as well (col. 1, lines 57-58) in order to use "different language pairs" (col. 1, line 58).

12. As per claim 10, the examiner takes official notice that it's well known to have a contrast control for controlling between the words and phrases displayed on a visual display and a background. Therefore, it would have been obvious to one skilled in the art at the time of the invention to have a contrast control, in order to make the words and phrases displayed visible from the background.

13. As per claims 11 and 12, Glenn teaches the selection of the translation order between languages (col. 2, lines 14-15). Therefore a first button for use when entering the first language,

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second button for use when entering the second language, and a third button to select which language is to be translated are inherent in the system, otherwise the user would not have control of the order of the translation. Furthermore, Glenn teaches a recording button (Fig. 1, element 51).

14. Claims 13 and 14 do not add no further limitations beyond those mentioned in claims 1-12. Therefore claims 13 and 14 are rejected for the same reasons as set for the rejection of claims 1-12.

15. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Glenn (U.S. 6,434,518) in view of Van Alstine (U.S. 6,175,819) and further in view of Schulz (U.S. 6,185,538 issued on Feb. 6, 2001).

Neither Glen nor Van Alstine teaches scroll buttons for scrolling through translation cards and for automatically inserting a selected card into said card slot.

Schulz, however, teaches "scrolling up and down" (col. 5, line 33). Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention to have added Schulz's scrolling feature to the combined system of Glen and Van Alstine in order to select a given mode for display.

*Conclusion*

16. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Rhondel et al. (U.S 4,984,177) teaches a hand-held size voice language translator disclosing a voice recognition system and a voice synthesizer. Flangan et al. (U.S 5,966,685) teach a system for an electronic discussion between different members of a group speaking different languages.

17. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Abdelali Serrou whose telephone number is 571-272-7638. The examiner can normally be reached on 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Talivaldis Smits can be reached on 571-272-7628. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300

18. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Abdelali Serrou  
08/11/2005

  
**RICHEMOND DORVIL**  
**SUPERVISORY PATENT EXAMINER**